

# **Notice of Allowability**

Application No.

10/735,475

Examiner

Sunray Chang

Applicant(s)

MCGREEVY, FRANCIS T.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 15<sup>th</sup>, 2007.
2. ☒ The allowed claim(s) is/are 1,3-8,10-20,22-28,32-34,36-39,42-65 and 69-72.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**REASONS FOR ALLOWANCE**

1. This office action is in responsive to the paper filed on August 15<sup>th</sup>, 2007.
2. The following is an examiner's statement of reasons for allowance:
  - The claimed invention is an electrosurgical generator having a virtual control panel for controlling functionality of the electrosurgical generator in response to interrogation of an object interacting with a control panel image.
  - The claimed method include a limitation "a display surface structure having a display surface upon which the control panel image is located; a sensor positioned relative to the display surface structure to interrogate an interaction of the object with the control panel image at a location on the display surface separated from the sensor and to supply an interaction signal indicative of interaction of the object with the control panel image".
  - The combination of prior art of record does not expressly disclose or suggest the "method" with the feature of "a display surface structure having a display surface upon which the control panel image is located; a sensor positioned relative to the display surface structure to interrogate an interaction of the object with the control panel image at a location on the display surface separated from the sensor and to supply an interaction signal indicative of interaction of the object with the control panel image".
  - The references of record, either individually or in combination form, do not disclose the limitation, "a display surface structure having a display surface upon which the control panel image is located; a sensor positioned relative to the display surface structure to interrogate an interaction of the object with the control panel image at a location on the display surface

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separated from the sensor and to supply an interaction signal indicative of interaction of the object with the control panel image”, as claimed in the independent claims in light of the specification.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance”.

4. Claims 2, 9, 21, 29 – 31, 35, 40, 41 and 66 – 68 have been cancelled.

Claims 1, 3 – 8, 10 – 20, 22 – 28, 32 – 34, 36 – 39, 42 – 65 and 69 – 72 are deemed allowable.

5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. via telephone number (571) 272-3682 or facsimile transmission (571) 273-3682 or email [sunray.chang@uspto.gov](mailto:sunray.chang@uspto.gov).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Anthony Knight can be reached on (571) 272-3687.

The official facsimile transmission number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Knight  
Supervisory Primary Examiner  
Group Art Unit 2121  
Technology Center 2100  
U.S. Patent and Trademark Office

September 17, 2007